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on October 29, 2003 (Date of Transmission)

Craig S. Fischer

By

Signature

Dalicia Lewis
#16/appeal
preft/ee
10-30-03

27662

PATENT TRADEMARK OFFICE

PATENT
Attorney Docket No.: MCS-003-98
MSFT No.: 126595.01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
BOARD OF PATENT APPEALS AND INTERFERENCES

In re the Application of: FELDSTEIN et al.

Serial No.: 09/295,864

Group Art Unit: 3622

Filed: April 21, 1999

Examiner: D. Champagne

For: **SYSTEM AND METHOD FOR DYNAMICALLY
PROVIDING PERSONALIZED TRACKED DATA
AND AUTOMATICALLY UPDATING THE DATA**

TRANSMITTAL OF APPEAL BRIEF

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To: Hon. Commissioner for Patents, TC3600

From: Craig S. Fischer

Fax: (703) 872-9327

Pages: 52 (Inclusive)

Re: Serial No.: 09/295,864

Date: October 29, 2003

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This correspondence includes the following attached papers:

1. Facsimile Cover Sheet including Certificate of Transmission under 37 C.F.R. § 1.8 (1 page);
2. Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences (2 pages);
3. Credit Card Payment Form for \$330.⁰⁰ (1 page for Notice of Appeal fee);
4. Appeal Brief Transmittal Letter (2 pages);
5. Appeal Brief (9 pages each – in triplicate);
6. Appeal Brief Claims Appendix (6 pages – in triplicate);
7. Credit Card Payment Form for \$330.⁰⁰ (1 page for Appeal Brief fee).

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Attorney Docket No: MCS-003-98

the Notice of Appeal filed on October 29, 2003.

A Credit Card Payment Form in the amount of \$330.00 to cover the fee for filing an Appeal Brief under 37 C.F.R. 1.17(c) is enclosed herewith.

Respectfully submitted,
Dated: October 29, 2003



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APPEAL BRIEF**REAL PARTY IN INTEREST**

Microsoft Corporation owns the subject application in its entirety.

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RELATED APPEALS AND INTERFERENCES

There are no known related appeals or interferences.

STATUS OF THE CLAIMS

On October 29, 2003, Appellants appealed from a final rejection of claims 1-32. The final rejection was contained in a final Office Action dated August 7, 2003.

In response to the Office Action dated May 23, 2001 (Paper No. 3), the Appellants amended claims 15 and 18 to overcome a Section 112, second paragraph rejection. In addition, the Appellants amended 1, 12 and 25 to overcome Section 102(e) rejections and Section 103(a) rejections. Claims 3, 16 and 26 also were amended to correct antecedent basis difficulties. New claim 32 was added.

In response to the Office Action dated March 6, 2002 (Paper No. 7), the Appellants amended claim 12 to overcome a Section 103(a) rejection. An Advisory Action dated September 5, 2002, was received. In response to the Advisory Action, an RCE was filed on September 6, 2002.

In response to the Office Action dated December 30, 2002, the Appellants amended claims 1, 12 and 32 to overcome Section 103(a) rejections based on new art found by the Examiner.

STATUS OF AMENDMENTS

There were no amendments filed subsequent to the final rejection dated August 7, 2003.

SUMMARY OF THE INVENTION

The Appellants' claimed invention includes a system and method displaying custom

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and personalized information specifically created and updated for the user with network tracking techniques (specification, page 3, lines 5-7). More specifically, one of the tracking techniques includes having user make a request from a remote computer by submitting data to a host computer (specification, page 4, lines 13-14). The user request is a query from a client computer that is initiated by the user through a user interface (UI), such as a graphical user interface (GUI) (specification, page 13, lines 7-8). The host computer then processes the client query by generating a personalized set of results associated with the query (specification, page 4, lines 14-15). Some or all of the data initially submitted to the host computer in the query is categorized as trackable data for tracking purposes (specification, page 4, lines 16-17). This trackable data is processed to automatically generate updated and new personalized results that are available to each user (specification, page 4, lines 17-19). These results can also include sub-items and rules of enforcement for the results and sub-items (specification, page 4, lines 19-20).

The results obtained from the processing of the user query are displayed to the user on the client or remote computer. These results can be adjusted (e.g., processed and manipulated) in response to user interaction with the results (specification, page 5, lines 4-7). User interaction with the results typically is performed through a graphical user interface having graphical user interface control devices (specification, page 5, lines 7-10). The user can "dynamically computer and generate personalized results from a remote location by interacting with displayed data" (specification, page 14, lines 10-12). This user interaction includes "the real time interactivity in the form of manipulation, filtering and viewing of the results" (specification, page 15, lines 15-16).

The claims on appeal are set forth in the Appeal Brief Appendix provided hereto.

ISSUES

Claims 1-9, 12-22, 25-28, 30 and 32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bull et al. (U.S. Patent No. 5,901,287) in view of Gifford (U.S. Patent No. 4,845,658).

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Claims 10, 11, 23, 24 and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bull et al. in view of Gifford and further in view of Wong (U.S. Patent No. 5,432,904).

Claim 31 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Bull et al. in view of Gifford and further in view of Chapin, Jr. (U.S. Patent No. 5,931,878).

GROUPING OF CLAIMS

Claims 1-32 stand or fall together.

THE EXAMINER'S RATIONALE

The Examiner's rationale for the rejection of claim 1-9, 12-22, 25-28, 30 and 32 was that Bull et al. teach all the elements of the Appellants' claimed invention except that "Bull et al. does not teach adjusting the results dynamically on the client." However, the Examiner stated that Gifford "teaches adjusting the results dynamically on the client (col. 10, lines 35-48). Gifford teaches that this permits the user's most frequent requests to be answered from the local terminal (client, col. 10, lines 39-41)."

The Examiner also states that "[N]either Bull et al. nor Gifford teach adjusting the results dynamically on the client by a user's interaction with the results. However, Gifford does teach that a user can compile, and therefore update, a list of queries (col. 10, lines 41-43). It is obvious for a user to update the list of queries in response to finding deficiencies in the results, which reads on interacting with the results. Hence, in view of Gifford, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to adjust the results dynamically on the client by a user's interaction with the results."

ARGUMENT

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The Rejection under 35 U.S.C. § 103(a) of Claims 1-9, 12-22, 25-28, 30 and 32

It is the Appellants' position that the combination of Bull et al. and Gifford lacks at least one material feature of the Appellants' claimed invention. Namely, the combination of Bull et al. and Gifford fails to disclose, either explicitly or implicitly, the Appellants' claimed adjusting of results dynamically by a user's interaction with the results.

In the Appellants' claimed invention, results are generated in response to an initial query (and subsequent queries) from trackable data and updated personalized information (specification, page 4, lines 17-19). These results can include "sub-items and rules of enforcement of the results and the sub-items" (specification, page 4, lines 19-20). In particular, the "query and trackable data are processed to produce new personalized results for new queries or updated personalized results for subsequent queries" (specification, page 15, lines 5-7).

The results generated from the queries can be adjusted "in response to user interaction" (specification, page 5, lines 4-7). This adjusting of the results on the client is by a user performing "real-time interactivity in the form of manipulation, filtering and viewing of the results" (page 15, lines 15-16). The user is provided "real-time interactivity of the results and associated dependencies with user input through interactive user interface tools" (specification, page 15, lines 9-12). These user interface tools can include "alphanumeric boxes, drop-down menus, check boxes, and radio buttons" (specification, page 5, lines 7-10).

In contrast, as admitted by the Examiner, neither Bull et al. nor Gifford disclose the Applicants' claimed feature of adjusting results dynamically on the client by a user's interaction with the results. However, the Examiner states that Gifford teaches that a "user can compile, and therefore update, a list of queries (col. 10, lines 41-43)" and that it is "obvious for a user to update the list of queries in response to finding deficiencies in the results, which reads on interacting with the results."

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Gifford merely discloses information delivery method and apparatus that allows a user to actively interface with a central data base and wherein the user has substantial control over information locally stored at his terminal (col. 1, lines 48-52). This is achieved by selectively storing at a remote local terminal only "that information of particular interest to the local user" (Abstract, lines 10-12). Data broadcasts from a central data base site are received by the local terminal (Abstract, lines 2-5). The local terminal then selectively stores a subset of the data (if any) that is of particular interest to the user (Abstract, line 5). In order to determine which data to selectively store, the user "is provided with means for prioritizing the area of information of particular interest to him" (col. 4, lines 61-65). In this manner, the local data base at "each user's terminal is customized for the particular user" (col. 4, lines 65-67).

At each local terminal, a personal data base system (that is customized for the particular user) is implemented on a computer (col. 8, lines 65-68 to col. 9, line 1). The computer operates in two basic modes: (1) a first mode that monitors the input devices, processes user requests, and writes to the display; and (2) a second mode that receives incoming data and selectively applies the data to the local data base (col. 9, lines 2-6).

In the first mode, the processing of a user's request (or query -- see col. 11, lines 46-48) includes query filtering using a filter list and a query routing process (col. 9, lines 17-26). Query filtering is performed prior to processing of the user's query. In fact, query filtering must be performed prior to processing of a user's query because a filter list obtained from the query filtering is used to process the query.

In particular, query filtering is achieved by having a user compile "a list of routine queries into what is known as the filter list" (col. 10, lines 42-44). The filter list "describes information that will be retained at the user's local terminal" (col. 10, lines 46-47). The "local data base that results is precisely the set of records necessary to process any query in the filter list" (col. 10, lines 49-50). Thus, prior to processing of a query, a selected set of routine queries is contained in the filter list and answers to these routine queries are stored

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in the database of the local terminal. The selected set of routine queries is unique to each local terminal allowing the local database at each user's terminal to be "customized for the particular user" (col. 4, lines 65-68).

The query routing process is a determination of which database can process the user's query (col. 11, lines 61-63). If, based on the filter list, the local database is chosen, the query is processed at the local terminal and the results (or answer to the query) are displayed (col. 12, lines 10-13). In other words, the answer to the user's query is available on the local database (col. 12, lines 12-13). On the other hand, if the query answer is not available at the local data base, a connection is established with the central database, the query is sent, and the answer to the query is sent back to the local terminal and displayed on the terminal (col. 12, lines 14-21). If "no database is available to answer this query, the apparatus prints an error message that the query cannot be processed anywhere" (col. 12, lines 50-53).

Although in Gifford user interaction may be involved to generate the filter list, the user is merely interacting with queries, not results. Moreover, results are not being adjusted. In fact, results to a query have not yet been obtained when the user creates a filter list. This is because the filter list is needed to process the query. Thus, the Appellants respectfully contend that Gifford's compiling of a filter list (or list of common queries) does not read on the Appellants' claimed adjusting of results dynamically by a user's interaction with the results.

In addition to lacking the claimed feature of adjusting the results dynamically by a user's interaction with the results, the combination of Bull et al. and Gifford also fails to appreciate or recognize the advantages of this claimed feature. More specifically, real-time user interaction with the results on the client enables the user to "quickly access and adjust information dynamically and in real time without server delays" (specification, page 5, lines 16-17). In addition, by using the client to process information, user input can be processed to "allow the real time interactivity in the form of manipulation, filtering and viewing of the results" (specification, page 15, lines 15-16). In contrast, the

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combination of Bull et al. and Gifford nowhere recognizes, discusses or appreciates these advantages of the Appellants' claimed feature of adjusting of results dynamically by a user's interaction with the results.

Two other references also were cited by the Examiner: Wong (U.S. Patent No. 5,432,904) and Chapin, Jr. (U.S. Patent No. 5,931,878). Wong adds nothing to the combination of Bull et al. and Gifford that would render the Applicants' claimed invention obvious. In particular, Wong merely discloses an auto repair estimate, text and graphic system for determining a repair cost of a damaged automobile. However, as noted in a previous Office Action, Wong does not disclose the Applicants' claimed feature of adjusting of results dynamically by a user's interaction with the results. Chapin, Jr. also adds nothing to the combination of Bull et al. and Gifford that would render the Applicants' claimed invention obvious. More specifically, Chapin, Jr. includes a computer prompting system that reminds a user of events. However, Chapin, Jr. does not disclose the Applicants' claimed feature of adjusting of results dynamically by a user's interaction with the results. In addition, both Wong and Chapin, Jr. fail to appreciate or even recognize the advantages of the Applicants' claimed feature of adjusting of results dynamically by a user's interaction with the results.

Accordingly, the Applicants respectfully submit that amended independent claim 1 is patentable under 35 U.S.C. § 103(a) over Bull et al. in view of Gifford based on the legal and technical arguments set forth above and below. Moreover, claims 2-9 depend from independent claim 1 and are also nonobvious over Bull et al. in view of Gifford (MPEP § 2143.03). The Applicants, therefore, respectfully request reexamination, reconsideration and withdrawal of the rejection of claims 1-9 under 35 U.S.C. § 103(a) as being unpatentable over Bull et al. in view of Gifford.

The Appellant, therefore, submits that obviousness cannot be established since the combination of Bull et al. and Gifford lack the material claimed feature adjusting of results dynamically by a user's interaction with the results. Further, the combination of Bull et al. and Gifford fails to appreciate advantages of this claimed feature.

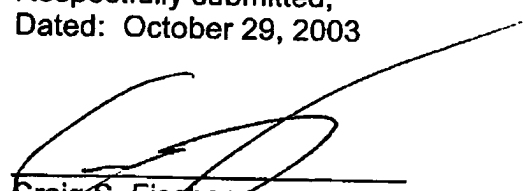
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SUMMARY

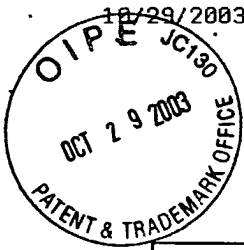
For the foregoing reasons, the Appellants submit that the Examiner's rejection of claims 1-32 was erroneous. Therefore, the Appellants respectfully request reversal of the Examiner's decision.

Respectfully submitted,
Dated: October 29, 2003



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Group Art Unit: 3622

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PROVIDING PERSONALIZED TRACKED DATA
AND AUTOMATICALLY UPDATING THE DATA**

APPEAL BRIEF APPENDIX

The following claims 1-32 represent all of the claims involved in the appeal of the above-referenced patent application and are provided in accordance with the requirements of 37 C.F.R. § 1.192(c)(7).

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1. A computer-implemented method for displaying custom and personalized information on a client system comprising:
 - collecting data associated with a user;
 - processing the data to extract user characteristics to create unique user profiles and generate personalized information;
 - tracking at least a portion of the data and performing estimation calculations using the client to generate results and updated personalized information;
 - adjusting the results dynamically on the client by a user's interaction with the results; and
 - automatically communicating the results and the personalized and updated information to the user via the client.
2. The method of claim 1, wherein the client system is an interactive computer environment.
3. The method of claim 2, wherein a server and client communicate over the World Wide Web of the Internet.
4. The method of claim 3, wherein the server and client are operable in an HTML environment.
5. The method of claim 1, further comprising providing interface options for allowing adjustment and filtering of the personalized information and results in response to user input.
6. The method of claim 5, wherein the adjustable interface options are interactive graphical controls.
7. The method of claim 1, wherein the user characteristics include at least one of user profiles, trends, tendencies and demographics.

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8. The method of claim 1, wherein the results and personalized and updated information are transmitted to the client and displayed on a World Wide Web page on the Internet and in personalized email.

9. The method of claim 1, wherein portions of the data are displayed as interactive data for allowing real time interaction and manipulation of information.

10. The method of claim 9, wherein the interactive data is used for calculating projected automobile repair costs and computing projected prices of automobiles in real time on the client.

11. The method of claim 10, wherein client side-processing of the results is used to enable the real time interactivity.

12. A display device having rendered thereon personalized data and updated results, the display device comprising:

a page having at least one field of personalized information and associated criteria;

wherein a client system tracks user defined data and performs estimation calculations to automatically and dynamically generate results, a user adjusts the results in real time by interacting with the results and updates the personalized information of the fields and criteria; and

wherein the client system transmits the results and personalized and updated information to the user.

13. The display device of claim 12, wherein the client system is an interactive computer environment.

14. The display device of claim 12, further comprising adjustable interface tools including input boxes for adjusting criteria of associated criteria in real time.

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15. The display device of claim 14, wherein the interface tools are at least one of drop-down menus, check boxes and radio buttons.

16. The display device of claim 12, wherein a server and client communicate over the World Wide Web of the Internet.

17. The display device of claim of claim 16, wherein the server and client are operable in an HTML environment.

18. The display device of claim 12, further comprising interface options for allowing adjustment and filtering of the personalized information and results in response to user input.

19. The display device of claim 18, wherein the adjustable interface options are interactive graphical controls.

20. The display device of claim 12, wherein user characteristics are generated from the user defined data to extract at least one of user profiles, trends, tendencies and demographics.

21. The display device of claim 12, wherein the results and personalized and updated information are transmitted to the client and displayed on a World Wide Web page on the Internet and in personalized email.

22. The display device of claim 12, wherein portions of the data are displayed as interactive data for allowing real time interaction and manipulation of information.

23. The display device of claim 22, wherein the interactive data is used to calculate projected automobile repair costs and to compute projected prices of automobiles in real time on the client.

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24. The display device of claim 23, wherein client side-processing of the results is used to enable the real time interactivity.

25. A computer-readable medium having computer-executable instructions for displaying custom and personalized information on an client system comprising:

using the client system to collect personal data associated with a user;

processing the personal data to formulate a classification profile for the user and postulating buying trends and tendencies of the user in order to create personalized information;

tracking at least a portion of the personal data and performing estimation calculations using the client system to generate results relating to the classification profile and updating the personalized information; and

providing the user with real-time interactivity to dynamically adjust the results on the client system and automatically communicating the results and the personalized and updated information to the user on a World Wide Web page on the Internet and in personalized email.

26. The computer-readable medium of claim 25, wherein a server and client are operable in an HTML environment.

27. The computer-readable medium of claim 25, further comprising providing interface options to allow adjustment and filtering of the personalized information and results in response to user input.

28. The computer-readable medium of claim 25, wherein portions of the data are displayed as interactive data to allow real time interaction and manipulation of information.

29. The computer-readable medium of claim 28, wherein the interactive data is used to calculate projected automobile repair costs and computing projected prices of automobiles in real time on the client.

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30. The computer-readable medium of claim 25, wherein the classification profile is used to demographically and statistically generate information for performing direct target marketing.

31. The computer-readable medium of claim 25, wherein the personal data includes automobile mileage data that is tracked for estimating maintenance schedules.

32. A method for adjusting personalized results containing personalized data about a remote user, comprising:

collecting a query from the remote user using a client computer;

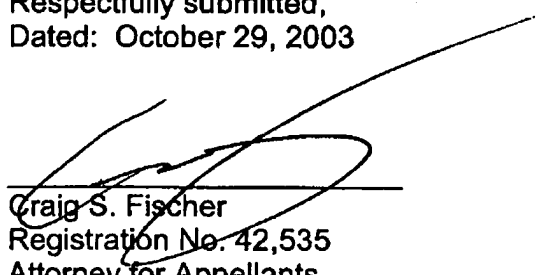
categorizing at least a portion of the query as trackable data;

processing the query and trackable data to produce the personalized results;

displaying the personalized results; and

providing the remote user with real-time interaction with the personalized results for dynamic adjustment of the personalized results using the client computer.

Respectfully submitted,
Dated: October 29, 2003



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